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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/838,077	04/18/2001	Michael E.S. Luna	03399P047	9556
26529	7590	09/29/2005	EXAMINER	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN/PDC 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025			LAZARO, DAVID R	
			ART UNIT	PAPER NUMBER
			2155	

DATE MAILED: 09/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/838,077

Applicant(s)

LUNA ET AL.

Examiner

David Lazaro

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/21/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-17 and 28-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 28 and 29 is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-17 and 30-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Prosecution on the merits of this application is reopened on claims 1-4, 6-17 and 30-32 considered unpatentable for the reasons indicated below:

a. Claims 1-4, 6-17 and 30-32 are rejected under 102(e) as being anticipated by U.S. Patent 6,275,693 by Lin et al.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4, 6-17 and 30-32 rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,275,693 by Lin et al. (Lin).

4. With respect to Claim 1, Lin teaches a method of using a mobile communications device to access an on-line service provided by a network server, the method comprising:

accessing a proxy server based service in order to obtain information required by the network server in order to process a request to the on-line service (Col. 3 line 65 - Col. 4 line 30, Mobile 102 accesses provision proxy 110 based on a request for the on-line service at provisioning center 116), wherein the request to the on-line service is

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sent via a secure connection established between the mobile communications device and the network server, the secure connection having been established by tunneling through the proxy server (Col. 4 line 42 - Col. 5 line 12 - A tunnel is established through the proxy server and security provided through internet secure socket layer or WAP security protocol); and

 sending the information to the network server via the secure connection with the network server (Col. 4 line 42 - Col. 5 line 12).

5. With respect to Claim 2, Lin teaches all the limitations of Claim 1, further comprising determining what information is required by the network server in order to process the request (Col. 3 line 65 - Col. 4 line 30).

6. With respect to Claim 3, Lin teaches all the limitations of Claim 2, further teaches determining what information is required by the network server comprises: sending the request to the network server via the secure connection (Col. 4 line 62 - Col. 5 line 12 - A tunnel is established and security provided through internet secure socket layer or WAP security protocol); and receiving a response to said request, said response being indicative of the required information (Col. 3 line 65 - Col. 4 line 30).

7. With respect to Claim 4, Lin teaches all the limitations of Claim 3, wherein accessing the proxy based service includes forwarding said response to the proxy server for processing (Col. 3 line 65 - Col. 4 line 30).

8. With respect to Claim 6, Lin teaches a method for a proxy server to provide a proxy server based service to a mobile communications device, the method comprising:

receiving a request from the mobile communications device to access the proxy server based service (Col. 3 line 65 - Col. 4 line 30, Mobile 102 accesses provision proxy 110 based on a request for the on-line service at provisioning center 116);

processing said request (Col. 3 line 65 - Col. 4 line 30); and

sending the result of said processing to the mobile communications device for forwarding to a network server via a secure connection established between the mobile communications device and the network server, the secure connection having been established by tunneling through the proxy server (Col. 4 line 42 - Col. 5 line 12 - A tunnel is established through the proxy server and security provided through internet secure socket layer or WAP security protocol).

9. With respect to Claim 7, Lin teaches all the limitations of Claim 6, wherein the request is the form of a response previously generated by the network server in reply to a request by the mobile communications device to access an on-line service provided by the network server, the method then comprising providing a protocol to understand said response (Col. 3 line 65 - Col. 4 line 30 - Provisioning center provides a unique ID for tunnel identification at the proxy server).

10. With respect to Claim 8, Lin teaches a method for a network server to provide an on-line service to a mobile communications device, the method comprising:

receiving a request from the mobile communications device during a secure connection established with the mobile communications device, the request being to the on-line service, the secure connection having been established by tunneling through the proxy server (Col. 4 line 42 - Col. 5 line 12 - A tunnel is established through the proxy

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server and security provided through internet secure socket layer or WAP security protocol);;

generating a response to said request, the response indicating additional information that is required by the network server in order to process said request and said response being in a format which is understandable by a proxy server associated with the mobile communications device (Col. 3 line 65 - Col. 4 line 30, Mobile 102 accesses provision proxy 110 based on a request for the on-line service at provisioning center 116. Provisioning center provides a unique ID for tunnel identification at the proxy server); and

sending the response to the mobile communications device (Col. 3 line 65 - Col. 4 line 30).

11. With respect to Claim 9, Lin teaches 9. (Amended) A mobile communications device, comprising:

a processor (Col. 3 lines 32-35);

a memory (Col. 3 lines 32-35) device having stored therein a code, which when executed by the processor causes the mobile communications device to

allow a user to input a request to an on-line service provided by a network Server (Col. 3 line 65 - Col. 4 line 30, Mobile 102 accesses provision proxy 110 based on a request for the on-line service at provisioning center 116);

determine whether additional information is required by the network server in order to service the request (Col. 3 line 65 - Col. 4 line 30, Mobile 102 accesses

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provision proxy 110 based on a request for the on-line service at provisioning center 116);

access a proxy server based service in order to obtain any additional information required by the network server (Col. 3 line 65 - Col. 4 line 30, Mobile 102 accesses provision proxy 110 based on a request for the on-line service at provisioning center 116); and

send a request to the network server, said request including the additional information, wherein the request is part of a secure connection established between the mobile communications device and the network server the secure connection having been established by tunneling through the proxy server (Col. 4 line 42 - Col. 5 line 12 - A tunnel is established through the proxy server and security provided through internet secure socket layer or WAP security protocol).

12. With respect to Claim 10, Lin teaches all the limitations of Claim 9, wherein the code to determine whether additional information is required by the network server comprises: instructions to establish the secure connection with the network server (Col. 3 line 65 - Col. 4 line 30); instructions to send the user input request to the network server via said secure connection (Col. 3 line 65 - Col. 4 line 30); and instructions to analyze a response to said request, received from the network server, in order to ascertain what additional information is required (Col. 3 line 65 - Col. 4 line 30).

13. With respect to Claim 11, Lin teaches all the limitations of Claim 10, wherein the code to access the proxy server based service comprises instructions to establish a connection with the proxy server (Col. 3 line 65 - Col. 4 line 30), said instructions being

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executable before the instructions to establish a connection with the network server (Col. 3 line 65 - Col. 4 line 30).

14. With respect to Claim 12, Lin teaches all the limitations of Claim 11, wherein the code to access the proxy based service comprises: instructions to create a proxy service request based on the response from the network server (Col. 3 line 65 - Col. 4 line 30); and instructions to send the proxy service request to the proxy server via the connection with the proxy server (Col. 3 line 65 - Col. 4 line 30).

15. With respect to Claim 13, Lin teaches all the limitations of Claim 11, wherein the code to access the proxy based service includes instructions to forward the response from the network server to the proxy server via the connection with the proxy server (Col. 3 line 65 - Col. 4 line 30).

16. With respect to Claim 14, Lin teaches
a processor (Col. 3 lines 32-35); and
a memory device (Col. 3 lines 32-35), having stored therein a code, which when executed by the processor causes the proxy server to:

receive a request from a mobile communications device to a proxy server based service (Col. 3 line 65 - Col. 4 line 30, Mobile 102 accesses provision proxy 110 based on a request for the on-line service at provisioning center 116);

process the request (Col. 3 line 65 - Col. 4 line 30); and

send the result of said processing to the mobile communications device for forwarding to a network server via a secure connection established between the mobile communications device and the network server, the secure connection having been

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established by tunneling through the proxy server (Col. 4 line 42 - Col. 5 line 12 - A tunnel is established through the proxy server and security provided through internet secure socket layer or WAP security protocol).

17. With respect to Claim 15, Lin teaches all the limitations of Claim 14, wherein the code has portions which when executed perform a sequence of steps corresponding to a particular proxy service, the code further comprising instructions to execute a portion of the code corresponding to a particular proxy service based on the request from the mobile communications device (Col. 3 line 65 - Col. 4 line 30).

18. With respect to Claim 16, Lin teaches all the limitations of Claim 14, wherein the memory device further comprises a protocol stored therein to enable the processor to understand the request from the mobile communications device, in the event of said request being generated by a network server (Col. 3 line 65 - Col. 4 line 30).

19. With respect to Claim 17, Lin teaches 1a network server, comprising:
a processor (Col. 3 lines 32-35); and
a memory (Col. 3 lines 32-35) device having stored therein executable code,
which when executed by the processor causes the network server to
receive a request from a mobile communications device to an on-line service
resident on the network server (Col. 3 line 65 - Col. 4 line 30, Mobile 102 accesses
provision proxy 110 based on a request for the on-line service at provisioning center
116), wherein the request is part of a secure connection established between the
network server and the mobile communications device, wherein the secure connection
having been established by tunneling through the proxy server (Col. 4 line 42 - Col. 5

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line 12 - A tunnel is established through the proxy server and security provided through internet secure socket layer or WAP security protocol);

generate a response to said request, the response indicating what additional information is required by the network server in order to process said request and said response being in a format which is understandable by a proxy server associated with the mobile communications device (Col. 3 line 65 - Col. 4 line 30); and

send the response to the mobile communications device (Col. 3 line 65 - Col. 4 line 30).

20. With respect to Claim 30, Lin teaches all the limitations of Claim 9, wherein the secure connection is encrypted (Col. 5 lines 1-12 - internet secure socket layer or WAP security protocol use encryption).

21. With respect to Claim 31, Lin teaches all the limitations of Claim 14, wherein the secure connection is encrypted (Col. 5 lines 1-12 - internet secure socket layer or WAP security protocol use encryption).

22. With respect to Claim 32, Lin teaches all the limitations of Claim 17, wherein the secure connection is encrypted (Col. 5 lines 1-12 - internet secure socket layer or WAP security protocol use encryption).

Allowable Subject Matter

23. Claims 28 and 29 are allowed.

24. The following is an examiner's statement of reasons for allowance:

25. The primary reason for allowance for claim 29 is the inclusion of the following limitations together in a method for a mobile device to access an on-line service:

"establishing a second connection between the mobile communications device and a network server, wherein the second connection is a secure connection that co-exists with the first connection, wherein the secure connection is established by encryption and tunneling through the proxy server; sending a request for information to the network server via the secure connection; receiving a reply to the request from the network server, the reply being indicative of additional information required by the network server in order to process the request; using the connection between the mobile communications device and the proxy server to access the proxy server based service, the service being able to provide the additional information; receiving the additional information from the proxy server via the connection therewith; and sending an enhanced request to the network server via the secure connection therewith, the enhanced request including the additional information."

The cited prior art does not teach these features nor are these features considered obvious.

26. The primary reason for allowance of Claim 29 is the inclusion of the following limitations together in a method for a proxy server to provide a proxy based service to a mobile communications device:

"receiving a request from the mobile communications device to access the proxy server based service; processing said request by generating an enhanced

request including additional information provided by the proxy server based service, the additional information being required by a network server in order to service a request for information sent by the mobile communications device via a previously established secure connection with the network server, wherein the secure connection is established by encryption and tunneling through the proxy server; and sending the enhanced request to the mobile communications device for forwarding to the network server via the previously established secure connection.”

The cited prior art does not teach these features nor are these feature considered obvious.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Conclusion

27. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

28. U.S. Patent 6,775,536 by Geiger “Method and validating an application for use in a mobile communication device” August 10, 2004. Discloses a proxy device for use in a wireless domain that facilitates downloads of executable streams to communications


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devices and allows for control of security settings targeted devices in the wireless domain.

29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Lazaro whose telephone number is 571-272-3986. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


David Lazaro
September 27, 2005


SALEH NAJJAR
PRIMARY EXAMINER